

DRAFT MINUTES OF THE MEETING

CORRECTIONS COMMISSION

APRIL 3, 2020

The meeting was called to order at 1:00 pm by Chairman Senator Heinert.

Roll call followed.

Present:

Senator Troy Heinert

Judge Christina Klinger

Mark Anderson

Senator Arthur Rusch

David McGirr

Judge Pat Pardy

Representative Jamie Smith

Excused:

Representative Kevin Jensen

Bruce Yakley

Staff:

Mike Leidholt, Doug Clark, Aaron Miller, Darin Young, Brent Fluke, Stefany Bawek.

Senator Troy Heinert thanked everyone for joining the meeting. As you know we are all suffering through this pandemic together and Corrections is not in isolation. I would like to hear from Secretary Leidholt or someone as to what are the steps, we are taking to protect not only the citizens of SD but also protecting the inmates we currently have incarcerated.

Mike Leidholt, Secretary of Corrections, agreed to provide the Commission with an overview of the impacts COVID 19 has had on the DOC but reminded the Commission that some of information protected for safety or security reasons or may be protected health information. Also, there might be questions that deal with staffing levels or posts that the department considers protected information. As the pandemic began to unfold, DOC began implementing and following CDC and the DOH guidelines as they apply to correctional environments. Enforcing certain recommendations such as the six-foot rule can bring unique challenges when applied to prison systems. The DOC has increased its cleaning and disinfecting of common spaces and encourage hand washing. Additional hand wash stations have been added. There is quite a debate nationwide as to whether prisons should allow alcohol-based sanitizers behind the secure perimeter. Typically, this is not permitted in prisons as inmates can abuse this and actually consume the sanitizer for the alcohol. Currently DOC does not make this available to inmates. Correctional officers' have been issued individual bottles of hand sanitizer to carry with them when they

are in the facility and on rounds and don't have access to hand washing capabilities. The CDC recommends hand washing over the use of sanitizer when soap and water is available. DOC is limiting transfers between the facilities but if an inmate must be transported, they are provided sanitizer directly before departing on the transport. The DOC is constantly evaluating the personal protective issues and the guidelines of the CDC. The guidelines have changed at least once since the pandemic started. Two weeks ago, the DOC noted its first positive case of COVID in one of our inmates. The inmate was assigned to the minimum unit at the SDWP. Once tested, the inmate was isolated. Her symptoms were mild to moderate. She is doing well and expected to recover. Since she was living at the minimum unit where approximately 165 inmates live, all in the facility are quarantined for 14 days. If an inmate develops symptoms, they will be tested. So far, all other inmate tests have been negative. Only the inmate who tested positive is isolated.

Senator Rusch: Have you tested other inmates or just observing them?

Mike: Yes, we have tested others and they have all been negative.

Senator Rusch: Was there an effort to trace back where the positive inmate may have contracted the virus?

Mike: It's my understanding that anyone who tests positive goes through the DOH/DIS process. They interview people who had close contact with the positive case.

Marc Anderson: About the staff? Did you have enough N95 masks on hand?

Mike: Yes, and we are constantly evaluating that, and we have orders in for more of those.

Pat Pardy: In the event it starts running through your staff is there a backup plan for that? Is the National Guard a part of that?

Mike: We do have contingency plans in place. Again, that is part of the safety and security concerns so I'm not going to get into specifics. We do have a tiered level approach at each facility and what we would do if we fall below those levels.

We did immediately suspend the in-person visitation and so as a result of that we worked with our phone provider and they are offering 2 free 5-minute phone calls per inmate per week. Since that was announced they also are offering one free video visit per week per inmate.

Senator Heinert: I have been contacted numerous times about what we are doing in our correctional facilities. Some of the concerns are: Are inmates are not reporting their symptoms because they are afraid, they will be put in isolation. Can you tell us what your isolation unit looks like?

Mike: I must be careful about this because it gets into security issues. Essentially if they present with symptoms Health Services looks at them, especially if they present with the three symptoms of a fever, a new onset cough or new onset shortness of breath. They are put in a quarantine area. If they test positive, they are put in a single cell by themselves. The inmate is given a mask to wear anytime they interact with staff. The staff wear personal protective equipment (PPE) when dealing with inmate.

Senator Heinert: We know the struggles that are happening at the Women's Prison and as I understand it, we still have 2 inmates on escape status. So, let's talk about the Women's Prison now. Has there

been any conversation about the safety of the one who tested positive, when she is ultimately released back into general population or wherever she is going?

Mike: Do you mean her physical safety from the other inmates? I don't really have a lot of concerns about that. We will take precautions but since she had been living with them before all of this happened, and they haven't presented with any positive tests I don't see that they will try to shun her or take retribution against her. But we will certainly take precautions.

Senator Heinert: Do we have full time medical staff 24/7 or what does that look like?

Mike: That has always been a challenge in Pierre. We haven't had 24/7 nursing care in Pierre for a lot of years. We go into the evening hours and then have an on-call situation.

Senator Heinert: Is the on-call a DOC nurse or are you calling the Pierre Hospital or EMS Services.

Mike: We would first call our nurse who is an employee of the Department of Health. We have e-care available. They would advise us to bring them to a hospital or not.

Senator Heinert: Let's talk about the men's units. Obviously, they are all probably handling this differently based on where they are at. I'm assuming we have suspended all work release.

Mike: We have with the only exception being in Yankton because some inmates work in the kitchen that is located on the campus.

Pheasantland Industries located at SDSP is making masks, gowns, and face shields (PPE).

Work with initially suspended on the Governor's Housing project but is now back on.

Stefany Bawek with PI in Sioux Falls shared they are using the print shop, upholstery shop and metal shop to produce the PPE face shields.

In Springfield at MDSP the garment shop is producing jersey/cotton facemasks. Production will soon include construction of PPE safety gowns.

Senator Heinert: Where are the products going when completed?

Stefany: A lot are for DOC use. Outside entities have placed orders for PPE and any remaining amounts of PPE will be offered to those government agencies and non-profits who have contacted the DOC.

Mike: I want to give Stefany a lot of credit for her forward thinking on this. She jumped right on the need and started to order the materials so we could start this process.

Mike: Also, all in person, social visitation has been suspended. Limited programming is being offered. Our goal is to try to minimize the number of outsiders coming into the facilities. Everyone from the outside gets screened when they come in. Most volunteer activities have been suspended. Currently not having chapel, or religious programming. Inmates may continue to practice their faith independently, within their cells.

Senator Heinert: What about medical personnel at SDSP? Is that a situation where we have someone there?

Mike: Sioux Falls and Springfield have 24/7 medical care. In the minimum units we don't. We wish the Jameson Annex expansion would have been built a year ago. Bids are due April 15.

Senator Heinert: What about supply lines for food. Are we getting the supplies we need to maintain our responsibility or how is that working?

Mike: Yes, we have not seen any problems.

Senator Heinert: Some states are releasing low level offenders or others that are close to parole dates. Where are we considering anything like this?

Mike: Right now, the parole process is continuing. We did try an experiment with SDWP last week by moving the hearings up a week to help provide more time to plan releases after the inmate has been approved by the Board, knowing that release planning may become more complicated as the pandemic continues. DOC is not considering any release of inmates and would do so only if directed by those with authority to initiate such a release. It has been the position of the DOC to carry out the decisions of the courts based on current laws and statutes. Currently, all transfers or releases to supervision from the minimum unit at SDWP are on hold until the quarantine period expires. Assuming there are not more positive tests. DOC will continue to develop cohort groups within the facilities. For example, if a cohort is 80 people and just one of those persons tests positive, sometime in that two-week quarantine period, everyone in the cohort must start the quarantine process over. If a cohort 20 is people, a much smaller number of inmates must be quarantined.

Question: How are probation and parole contacts made. Are we still requiring them to report to a facility?

Mike: Under the executive order, state offices are closed. Our expectations for the contact standard have changed somewhat. Contacts may include more phone calls, gps monitoring etc. Agents continue to supervise offender in the community but have been reducing the amount of direct contact they have with the offender while supervising them. Technology has assisted this tremendously. Some agents utilize Face time, social media, GPS, etc.

Question: Some of those requirements are that people hold down a job. Correct? What are doing about that situation? If their place of employment has shut down, surely, we aren't holding that against them?

Mike: No, we are making accommodations for that. It doesn't matter if you are on a community service job or in a work release center.

Also, senior staff meet each morning by conference call to discuss emerging COVID issues, planning, logistics and other emerging challenges.

Question: Are we still bringing new inmates in?

Mike: Yes. We did legal research on that. We have no authority to deny or refuse someone who is sentenced to prison or has violated the conditions of parole or probation and is not required to serve time inside a prison.

Senator Rusch: Do you do any testing on those inmates coming in?

Mike: Based on the CDC guidelines we do not test everyone. We do screen all that come in with questions and a temperature check. If the offender is symptomatic, we are developing places to quarantine the offender. We are working on our Admission and Orientations process because in the male facilities, new admissions can consist of 160 inmates.

Aaron Miller: The juvenile population is being managed similar to parole. Thankfully, the number of juveniles is has diminished over the last few years. Director of Juvenile Services Kristi Bunkers states we are still receiving some kids, but this has slowed down. We are finding placements in state but can't place them out of state at this time due to travel restrictions and other challenges. Staff are also completing their contact requirements through new means that encourage no direct contact with the offender.

Marc Anderson: Did you say anybody who is coming into DOC is isolated for 14 days.

Mike: No, only if symptomatic. Right now, there are no jails who have COVID cases but if one did come from a jail that has COVID, we would probably separate the offender for 14 days.

Question: If things get worse in SD is that an option to separate? To protect the prisoners and the people that work there?

Mike: Yes, this is a fluid situation and we are adjusting as we go.

Senator Heinert asked if there was an assistance the Corrections Commission could offer at this time.

Mike: Nothing comes to mind right now as far as assistance goes. Things are ever changing, and we try to stay on top of those issues. I'm sure those of you who are legislators are getting lots of calls from your constituents and we receive those as well. We try to answer as quickly as we can. Rest assured that all of DOC is committed to the mission and I think things will get more challenging as we move forward.

Senator Heinert: I agree I think we are a long way from this being over. Once we get thru the pandemic the conversation will be how to we move on, so we are a little better prepared.

Mike: I give credit to emergency management and my predecessors as we did have a pandemic plan in place and that was a good starting spot for us. We are keeping records so we determine where improvements can be made in the future.

Aaron: We are probably in a little better situation to handle this. COVID is a new issue but it is not a totally new territory as we have always had to have measures in place to manage infections and disease such as influenza, TB or MERSA. We have always had a plan in the past to respond to infectious disease, but this far reaching. I have participated in some national calls on COVID and I am encouraged by our state's planning and preparation process when compared to some other states. I think we are in a very good position going forward.

Senator Heinert: Please keep sending us updates and if you are changing some things that we should know about, please get it out to us. Inmate access to information is a little more limited and it gets distorted and the level of anxiety is heightened especially knowing you can't get away. Hopefully we can keep everybody as healthy as possible.

Senator Heinert: I appreciate everyone taking the time for this call. If there are big changes, I'm sure we can convene again. This is obviously a topic that we need to keep in the back of our minds and I just really appreciate everybody's willingness to work together.

Motion to adjourn

Smith so moved. Senator Rusch seconded. Meeting adjourned at 2:00 pm